

Regulatory Fee Schedule

STATE OF NEW JERSEY * DEPARTMENT OF ENVIRONMENTAL PROTECTION
LAND USE REGULATION PROGRAM * JULY 1994

Website: www.state.nj.us/dep/landuse

Revised January 5, 2004

All permit fees shall be paid by check or money order; made payable "Treasurer, State of New Jersey" and submitted to:

New Jersey Department of Environmental Protection
Land Use Regulation Program
P.O. Box 439
Trenton, NJ 08625

The Program issues permits through specific State laws. They are:

1. The Wetlands Act of 1970 (N.J.S.A. 13:9A-1 et seq.)
2. The Flood Hazard Area Control Act (N.J.S.A. 58:16A et seq.)
3. The Coastal Area Facility Review Act (N.J.S.A. 13:19-1 et seq.)
4. The Waterfront Development Law (N.J.S.A. 12:5-3 et seq.)
5. The Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.)
6. The State Clean Water Act (N.J.S.A. 58:10-A-1 et seq.)

For project requiring more than one Program permit or waiver see Section 4 entitled "Multiple Permits".

Section 1 – Freshwater Wetlands

A fee is required pursuant to the Freshwater Wetlands Protection Act Rules (N.J.A.C. 7:7A) of the review of permit applications, letters of interpretation and certain exemption requests.

Each check or money order must be marked to identify the nature of the submittal for which the fee is being paid and the name of the applicant.

1. Letter of Interpretation Fees

- (a) To determine if wetlands are present or absent, the fee is \$200.00;
- (b) To determine if wetlands or transition areas are present or absent in a footprint of land, the fee is \$400.00;
- (c) For verification or delineation of a wetland boundary line for a parcel of land less than one acre, the fee is \$500.00;
- (d) For verification of proposed wetland boundary line on a parcel of one acre or more, the fee is \$500.00 plus \$70.00 per acre or any fraction thereof, with a total not to exceed \$50,000.00; and

(e) For a request for the reissuance of a letter of interpretation, the fee is 25 percent of the original fee or \$200.00; whichever is larger.

(Note: NJDEP does not delineate wetlands boundaries on properties of one acre or more, but will verify proposed lines.)

2. Individual Freshwater Wetlands Permit Application Fees

(a) For any other regulated activity the fee is \$2,000.00 plus \$200.00 per one-tenth acre, or any fraction thereof, of the freshwater wetlands to be affected by the proposed activity.

(b) Extension of an Individual Freshwater Wetlands Permit is \$1000.00.

3. Open Water Fill Permit Application Fees

(a) For review of an individual Open Water fill Permit application, the fee is \$2,000.00 plus \$200.00 per one-tenth acre, or any fraction thereof, of State open water affected by the proposed discharge of dredge or fill material.

(b) Extension of an Individual Open Water Fill Permit is \$1000.00.

4. Individual Water Quality Certificate

(a) For review of an individual Open Water fill Permit application, the fee is \$2,000.00 plus \$200.00 per one-tenth acre, or any fraction thereof, of State open water affected by the proposed discharge of dredge or fill material.

(b) Extension of an Individual Water Quality Certificate is \$1000.00.

5. General Permit Fees

(a) For review of proposed activity covered by a General Permit application, the fee is \$500.00;

(b) If a proposed project requires more than one type of general permit authorization, the fee shall be \$500.00 for the first general permit and \$200.00 for each additional general permit;

(c) There is no fee for General Permit #16 (habitat creation and enhancement activities), #17 on PUBLIC lands (trails and boardwalks) or 25 (repair or alteration of malfunctioning individual subsurface sewage disposal systems).

(d) Extension of a General Permit: \$200.00.

6. Exemption Letter Request Fees

For the review and procession of a request for an exemption letter certifying that a project is exempt from freshwater wetlands or open water fill permit requirements, or from transition area requirements, the fee is \$200.00.

7. Transition Area Waiver Fees

Fee for the review and processing of a transition area waiver application:

- (a) Projects with a completed Letter of Interpretation, either delineating or confirming the wetlands boundary.
 - 1. For a property or right-of-way of one acre or less the fee is \$200.00;
 - 2. For a property or right-of-way over one acre the fee is \$500.00 plus \$40.00 per acre, or any fraction thereof, of the standard transition area proposed to be modified; and
 - 3. For review of application for more than one type of Transition Area Waiver the fee shall be \$500.00 plus \$40.00 per acre, or any fraction thereof, of the standard transition area proposed to be modified, plus \$200.00 for each additional special activity waiver.
- (b) Projects with a Letter of Interpretation identifying only the presence or absence of wetlands, State open waters and/or transition areas: the acreage figures are based on the size of the project site.
 - 1. For a property or right-of-way of one acre or less, the fee is \$700.00.
 - 2. For a property or right-of-way over one acre, the fee is \$900.00 plus \$80.00 per acre, or any fraction thereof, of the total property.
- (c) Projects without a Letter of Interpretation. The acreage figures are based on the size of the project site.
 - 1. For a property or right-of-way of one acre or less, the fee is \$700.00;
 - 2. For a property or right-of-way over one acre, the fee is \$900.00 plus \$80.00 per acre, or any fraction thereof, of the total property; and
 - 3. For the review of application for more than one type of Transition Area Waiver, the fee shall be \$900.00 plus \$80.00 per acre, or any fraction thereof, of the total property plus \$200.00 for each additional special activity waiver.

8. Permit Modification

Except for minor modifications pursuant to N.J.A.C. 7:7A-13.9 for which no fee is required, the fee is 25 percent of the original permit fee or \$200.00, whichever is higher.

9. Inspection

If more than one inspection by the Department is necessary because of any act or omission of the applicant, the Department may assess an additional fee for each additional visit in an amount not to exceed \$1,000.00. No application for a letter of interpretation, approval, certificate or permit shall be reviewed or considered until this fee has been paid.

Section 2 – Stream Encroachment

The Land Use Regulation Program charges fees as established in N.J.A.C. 7:1C-1.5 for the review of permit applications according to the following schedule.

The fee for stream encroachment permits is calculated by adding the separate fees for each project element. There are two types of project elements: major and minor.

1. Major Stream Encroachment Permits

Major stream encroachment elements are \$4,000.00 each and include the following:

- Bridges and culverts. (Note: if associated with one single-family house, the review fee is reduced to \$2,000.00 for the bridge or culvert and \$800.00 for net-fill calculations if necessary.)
- Retaining walls more than 4 feet high and 100 feet long
- Detention basins located within the flood plain.
- Channel improvements and relocations (unless within 300 feet of a new bridge or culvert, in which case the fee paid for the bridge or culvert also includes the review of the channel modifications.)
- Establishment of stream encroachment lines based on hydrologic and hydraulic calculations. (Each 1,000 feet of stream, or segment thereof, is a major element.)
- Review of net-fill calculations (unless associated with a perpendicular stream crossing, in which case the fee paid for the bridge or culvert also includes the review of net-fill calculations.)

In addition, the following projects are always major stream encroachment permits, regardless of any other project element. If such a project already has a major element, then no additional fee is required beyond the sum of the various elements. However, if no major element is present, then a major fee will be applied in addition to any minor elements for the following projects.

- Any commercial development where the applicant owns or controls more than 1 acre within the floodplain.
- Any residential subdivision of more than 10 acres, regardless of the area within the floodplain.

2. Minor Stream Encroachment Permits

Minor stream encroachment elements are \$600.00 each and include the following:

- Storm water outfall structures.
- Utility crossing.
- Footbridges.
- Bridge deck replacements.
- Use of, or reference to, a New Jersey Flood Hazard Area delineation (for stream encroachment lines, net-fill or hydraulic calculations, floor elevations, etc.)
- Pond dredging.

- Stream cleanings (unless they are submitted under the provisions of the Stream Cleaning Act, in which case there is no review fee.)
- Stream bank stabilization projects at grade.
- Stream channel modifications less than 100 in length, and stream bank reestablishment or protection projects, (if the department agrees that no review of hydrologic or hydraulic calculations is necessary.)
- Retaining walls no more than 4 feet high and less than 100 feet long.
- The construction of one single-family house (even if net-fill calculations are necessary.)
- Minor grading or other work within the flood plain that meets the net-fill limitations by inspection (if the department agrees that no review of net-fill calculations is necessary.)
- Replacements or extensions of existing bridges or culverts (if the department agrees that no review of hydrologic or hydraulic calculations is necessary.)

3. Permit Modifications

One-quarter of the total fee that was paid for the original permit, or \$200.00, whichever is greater.

Section 3 – Coastal Projects

The Land Use Regulation Program charges fees as established in N.J.A.C. 7:1C-1.5 for the review of permit applications according to the following schedule:

1. Waterfront Development

(a) Waterfront Development Permits waterward of the mean high water line, the fee shall be:

1. The permit fee for residential site improvements for a single private residential unit or duplex, including without limitation: shore structures, piers and docks, walkways and activities associated with a single private residential unit or duplex shall be \$500.00 plus one-half of one percent of the construction cost above \$10,000.
2. The permit fee for all other activities requiring a Waterfront Development permit shall be based on the following schedule:

<u>Construction Costs</u>	<u>Fees</u>
\$0 to \$50,000	\$2,900 + 0.5 percent of construction costs
\$50,001 to \$100,000	\$3,400 + 1.0 percent of construction cost above \$50,000
\$100,001 to \$200,000	\$4,400 + 1.25 percent of construction cost above \$100,000
\$200,001 to \$350,000	\$6,900 + 1.5 percent of construction cost above \$200,000
Greater than \$350,000	\$11,400 + 1.0 percent of construction costs above \$350,000

The fee payable at the time of application shall not exceed \$30,000 (THIS FEE CONSTRAINT APPLIES TO THIS SUBSECTION ONLY REGARDING CONSTRUCTION COSTS). If the fee calculated under this formula would have exceeded \$30,000, the Department will document its actual costs for review and processing of the application. If such costs exceed \$30,000, the applicant shall pay a supplemental fee to cover such costs.

- (b) For Waterfront Development Permits with work taking place landward of the mean high water line and do not qualify as a CAFRA facility based on size and use as defined in N.J.A.C. 7:2.1, the fees are:

1. Residential Facilities consisting of one or two dwelling units, as defined in N.J.A.C. 7:7-1.3, \$1,000.00 for each dwelling unit. For residential developments with three or more units, please use the fee schedule provided in Section 3 for CAFRA, part (a) on page 6 of this fee schedule.
2. Non-residential facilities please apply the following fee schedule:

<u>Construction Costs</u>	<u>Fees</u>
\$0 to \$50,000	\$2,900 + 0.5 percent of construction costs
\$50,001 to \$100,000	\$3,400 + 1.0 percent of construction cost above \$50,000
\$100,001 to \$200,000	\$4,400 + 1.25 percent of construction cost above \$100,000
\$200,001 to \$350,000	\$6,900 + 1.5 percent of construction cost above \$200,000
Greater than \$350,000	\$11,400 + 1.0 percent of construction costs above \$350,000

The fee payable at the time of application shall not exceed \$30,000 (THIS FEE CONSTRAINT APPLIES TO THIS SUBSECTION ONLY REGARDING CONSTRUCTION COSTS). If the fee calculated under this formula would have exceeded \$30,000, the Department will document its actual costs for review and processing of the application. If such costs exceed \$30,000 the applicant shall pay a supplemental fee to cover such costs.

- (c) The fee for Waterfront Development Permits with work taking place landward of the mean high water line and qualify as a CAFRA facility based on size and use as defined in N.J.A.C. 7:2.1 shall follow the CAFRA fee schedule as noted in Section 3 for CAFRA starting below.
- (d) For Waterfront Development Permits for any work requiring a general permit or consisting solely of capital repairs or reconstruction with all work taking place landward of the mean high water line or the identical structural replacement of piles or other supports in the same location, the fee is \$500.00.
- (e) The fee for mixed Residential and Non-residential Facilities shall be the sum of the Residential and Non-residential facilities fee as calculated under section (1) "Waterfront Development" listed above.
- (f) The fee for the review and processing of a request for a written determination of exemption from the Waterfront Development Law permitting requirements pursuant to N.J.A.C. 7:7-2.3(f) is \$250.00.

2. Tidal Waters

For a Wetlands Act of 1970 permit (N.J.A.C. 7:7-2.2) the fee is one percent of the construction cost or a minimum of \$500.00 for residential dock construction associated with a single family or duplex dwelling unit and \$500.00 for all other regulated activities.

3. CAFRA

- (a) CAFRA Permit for a Residential Facility the fee is:

For a residential development consisting of one or two dwelling units, as defined in N.J.A.C. 7:7-1.3, \$1,000.00 for each dwelling unit. The fee for a residential development consisting of a single family duplex shall be \$1,000.00.

For all other residential developments, \$6,000 plus:

1. \$100.00 per dwelling unit for the first 300 units,
2. \$80.00 per dwelling unit for units 301 to 600; and
3. \$60.00 per dwelling unit for all units in excess of 600.

- (b) The fee for commercial, public or industrial development located on a beach or dune or located between the mean high water line of any tidal waters or the landward limit of a beach or dune and a point 150 feet landwards of the mean high water line of any tidal waters shall be calculated using the following schedule:

<u>Construction Costs</u>	<u>Fees</u>
\$0 to \$50,000	\$2,900 + 0.5 percent of construction costs
\$50,001 to \$100,000	\$3,400 + 1.0 percent of construction cost above \$50,000
\$100,001 to \$200,000	\$4,400 + 1.25 percent of construction cost above \$100,000
\$200,001 to \$350,000	\$6,900 + 1.5 percent of construction cost above \$200,000
Greater than \$350,000	\$11,400 + 1.0 percent of construction costs above \$350,000

The fee payable at the time of application shall not exceed \$30,000 (THIS FEE CONSTRAINT APPLIES TO THIS SUBSECTION ONLY REGARDING CONSTRUCTION COSTS). If the fee calculated under this formula would have exceeded \$30,000, the Department will document its actual costs for review and processing of the application. If such costs exceed \$30,000 the applicant shall pay a supplemental fee to cover such costs.

- (c) The fee for commercial, public, or industrial development located 150 feet landward of the mean high water line of any tidal waters or the landward limit of a beach or dune, whichever is most landward shall be \$7,000 plus \$1,000 per acre included in the site plan.
- (d) For a CAFRA Permit for a linear development, the fee is \$7,000 plus \$1,000 per acre to be disturbed.
- (e) The fee for mixed Residential and Non-residential Facilities shall be the sum of the residential and non-residential facilities fees calculated using this fee schedule for CAFRA permits.
- (f) For non-residential developments with a site plan which is situated in both the 150 feet review zone and the remainder of the CAFRA zone the following schedule shall be applicable:

Non-residential commercial projects with less than 50 parking spaces or equivalent area, the fee shall be calculated considering the entire development using the following formula:

<u>Construction Costs</u>	<u>Fees</u>
\$0 to \$50,000	\$2,900 + 0.5 percent of construction costs
\$50,001 to \$100,000	\$3,400 + 1.0 percent of construction cost above \$50,000
\$100,001 to \$200,000	\$4,400 + 1.25 percent of construction cost above \$100,000
\$200,001 to \$350,000	\$6,900 + 1.5 percent of construction cost above \$200,000
Greater than \$350,000	\$11,400 + 1.0 percent of construction costs above \$350,000

The fee payable at the time of application shall not exceed \$30,000 (THIS FEE CONSTRAINT APPLIES TO THIS SUBSECTION ONLY REGARDING CONSTRUCTION COSTS). If the fee calculated under this formula would have exceeded \$30,000, the Department will document its actual costs for review and processing of the application. If such costs exceed \$30,000 the applicant shall pay a supplemental fee to cover such costs.

- (g) For non-residential commercial projects with 50 or more parking spaces or equivalent area, the fee shall be \$7,000 plus \$1,000 per acre included in the site plan for the entire development.
- (h) For a public or industrial development, the fee shall be \$7,000 plus \$1,000 per acre included in the site plan for the entire development.
- (i) For a proposed linear development, the fee shall be \$7,000 plus \$1,000 per acre to be disturbed. For the purposes of this section, "linear development" means land uses such as roads, railroads, sewerage and stormwater management pipes, gas and water pipelines, electric, telephone and other transmission lines and the rights-of-way therefor, which have the basic function of connecting two points. Linear development shall not mean residential, commercial, office or industrial buildings, improvements within a development such as utility lines or pipes, or internal circulation roads.
- (j) For a proposed mining operation, as defined at N.J.A.C. 7:7E-7.8, the fee shall be \$7,000 plus \$200.00 per acre disturbed.
- (k) For a proposed development associated with a solid waste landfill the fee shall be \$7,000.
- (l) For a proposed public development to be located entirely within a publicly owned park or recreation area, the fee shall be \$7,000 plus \$200.00 per acre disturbed.

4. CAFRA General Permit

The fee for the review of a general permit authorization application pursuant to N.J.A.C. 7:7-7.2 shall be \$500.00.

5. CAFRA Exemption Letters

The Department will charge a \$250.00 fee for the review and processing of a request for an exemption letter certifying that a development is exempt from CAFRA regulations.

6. Additional Fees

Additional fees to engage essential expertise may be necessary for the processing and review of large-scale and complex projects. The applicant will be consulted before imposition of such fees. Where a public hearing is conducted, the cost of the hearing shall be borne by the applicant.

(Note: The term “construction cost” as defined at N.J.A.C. 7:1C-1.2 is the projected cost, not including financing or insurance charges, of that portion of a project which is subject to review for a construction permit.)

7. Modifications

The fees for requests to modify coastal permits in accordance with N.J.A.C. 7:7-4.10 and 7.3(a) are as follows:

For a minor modification to a Waterfront Development, Coastal Wetlands, or CAFRA permit: \$200.00.

For a major modification to an Upland Waterfront Development or CAFRA permit, 20 percent of the total original permit application fee, with a minimum fee of \$500.00 and a maximum fee of \$10,000.00.

The fee for a modification of a coastal general permit is \$200.00.

Section 4 – Multiple Permits

1. For projects under the jurisdiction of the Freshwater Wetlands Protection Act that require both Statewide General Permit(s) and Transition Area Waiver(s), a fee will be required for both actions. For projects requiring an Individual Permit and a Transition Area Waiver, only the highest of the required fees will be charged.
2. For projects which require more than one of the following permits: CAFRA permits, Waterfront Development permits, Coastal Wetlands permits, Stream Encroachment permits, or Freshwater Wetlands permits (including Individual permits, General permits, and Transition Area Waivers) issued under N.J.A.C. 7:7A. the permit fee for all the project is equal to the sum of the following if the permit applications are submitted and processed simultaneously:
 - (a) The single highest fee for the above permits required for the project, and
 - (b) Seventy-five percent of the sum of the permit fees for all other permits required for the project.
3. If an applicant requests a Letter of Interpretation separate from a Freshwater Wetlands permit or waiver, a fee based on the guidelines found in the Freshwater Wetlands Protection Act Rules will be required. If, however, the Review Officer verifies a wetlands boundary in the context of a Coastal permit or a Stream Encroachment permit and an official Letter of Interpretation is not requested by the applicant, a fee will not be required.

4. There are two fee schedules for transition area waivers, one for projects with a completed Letter of Interpretation (LOI) and a second, higher schedule for projects without a completed LOI. For projects requiring a Transition Area Waiver in the context of a Coastal permit or a Stream Encroachment permit, the applicant will be assessed the fee for a Transition Area Waiver with a completed LOI.
5. All Land Use Regulation Program permit applications require a LURP-1 application form.